

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

PATRICK S. DITKO, in his capacity as
Administrator of the Estate of Stephen J.
Ditko,

Defendant.

PATRICK S. DITKO, in his capacity as
Administrator of the Estate of Stephen J.
Ditko,

Counterclaimant,

v.

MARVEL CHARACTERS, INC. and
DOES 1-10, inclusive,

Counterclaim-Defendants.

Case No.: 1:21-cv-7957-LAK

Hon. Lewis A. Kaplan

**DECLARATION OF MOLLY M.
LENS IN SUPPORT OF MARVEL
CHARACTERS, INC.'S
RESPONSES TO DEFENDANT
PATRICK S. DITKO'S
EVIDENTIARY OBJECTIONS**

I, Molly M. Lens, pursuant to 28 U.S.C. § 1746, declare as follows:


1. I am a partner at O’Melveny & Myers LLP, counsel for plaintiff Marvel Characters, Inc. (“MCI”) in this action, and a member of the Bar of this Court. I submit this declaration in support of MCI’s reply in support of its motion for summary judgment based on my personal knowledge and review of the documents referenced herein. If called and sworn as a witness, I could and would testify competently thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from Keith Dettwiler’s October 27, 2022 deposition transcript in this matter.

3. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from Roy Thomas’s October 26, 2010 deposition transcript in *Marvel Worldwide, Inc. v. Lisa R. Kirby*, No. 10-cv-141 (S.D.N.Y.), produced by MCI in this matter with the Bates numbers 2021MARVEL-0131738 – 2021MARVEL-0131947.

4. Attached hereto as **Exhibit C** is a true and correct copy of Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby, and Susan M. Kirby’s self-titled “Notice of Termination of Transfer Covering Extended Renewal Term [–] ‘SPIDERMAN,’” dated September 15, 2009, produced by MCI in this matter with the Bates numbers 2021MARVEL-0072215 – 2021MARVEL-0072229. This document is intended to replace Exhibit 77 to my May 19, 2023 declaration (ECF No. 71-98), as explained in MCI’s concurrently filed Notice of Errata.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 11, 2023 in Lisbon, Portugal.

By: 
Molly M. Lens